

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

DANIEL LAFITTE DUMONDE,

Plaintiff,

V.

JEFFERSON COUNTY SHERIFF'S
DEPT. et. al.,

Defendants.

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2:04-CV-3401-JHH-RRA

MEMORANDUM OF OPINION

The magistrate judge filed a report and recommendation on July 13, 2005, recommending that all claims against all defendants be DISMISSED pursuant to 28 U.S.C. § 1915A(b)(1) and/or (2), with the exception of the following claims against defendant Bell in his individual capacity: (1) Eighth Amendment use of excessive force, (2) Eighth Amendment interference with medical care, and (3) First Amendment retaliation, with the underlying factual allegations being confiscation of plaintiff's lawbook and second mattress. On July 21, 2005, and July 28, 2005, plaintiff filed objections to the report and recommendation. (Doc. 18 & 20).

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation and the objections thereto, the Court is of the opinion that the magistrate judge's report is due to be and is hereby

ADOPTED and the recommendation is ACCEPTED. Accordingly, all claims against all defendants are due to be DISMISSED pursuant to 28 U.S.C. § 1915A(b)(1) and/or (2), with the exception of the following claims against defendant Bell in his individual capacity: (1) Eighth Amendment use of excessive force, (2) Eighth Amendment interference with medical care, and (3) First Amendment retaliation, with the underlying factual allegations being confiscation of plaintiff's lawbook and second mattress. The excepted claims against defendant Bell are due to be REFERRED to the magistrate judge for further proceedings.

DONE this the 26th day of August, 2005.

A handwritten signature in cursive script, appearing to read "James H. Hancock", is written in blue ink on a light orange rectangular background. The signature is positioned above a horizontal line.

SENIOR UNITED STATES DISTRICT JUDGE